



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB 11 2020

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Colonel Luis Ortiz
Commander
Holston Army Ammunition Plant
4509 West Stone Drive
Kingsport, Tennessee 37660-1048

SUBJ: Request for Information
Holston Army Ammunition Plant, EPA ID No.: TN5210020421

Dear Colonel Ortiz:

The U.S. Environmental Protection Agency is requesting information on the nature and extent of hazardous waste practices at the Holston Army Ammunition Plant in Kingsport, Tennessee (hereafter referred to as Holston or the facility). Pursuant to Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6927, Holston Army Ammunition Plant management is hereby directed to respond, fully and truthfully, within thirty (30) calendar days of receipt of this letter, to the Information Request enclosed herein as Enclosure C (subject to the Instructions in Enclosure A, and the Definitions in Enclosure B). Compliance with this request for information is mandatory, and information provided by Holston may be used by the EPA in future enforcement actions. Failure to respond fully and truthfully to each and every question or the information request within thirty (30) calendar days of receipt of this letter, or to adequately justify such failure to respond, may result in further enforcement action against Holston by the EPA pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

Your response to this request for information should be mailed to:

Alan A. Annicella
Chief, Land, Asbestos and Lead Section
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. EPA, Region 4
61 Forsyth St., SW
Atlanta, Georgia 30303-3104

The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. Holston may, if desired, assert a business confidentiality claim covering part or all of the information requested, in the manner described in 40 C.F.R. § 2.203(b), by attaching to such information, at the time it is submitted, a suitable notice employing language such as

trade secret or proprietary or company confidential. Information covered by such a claim will be disclosed by the EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by the EPA, it may be made available to the Public by the EPA without further notice to Holston. The EPA will construe the failure to furnish a confidentiality claim with your response to this letter as a waiver of that claim. Holston should read the above-cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

This Information Request is not subject to the approval requirement of the Paper Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Should you have any questions on this matter, please contact William Kappler of my staff, by phone at (404) 562-8498 or by email at kappler.william@epa.gov.

Sincerely,



Kimberly L. Bingham
Acting Chief
Chemical Safety and Land Enforcement Branch

Enclosure

cc: Mr. Joseph Kennedy, Holston Army Ammunition Plant
Mr. Bob Winstead, BAE Systems
Mr. Patrick Flood, TDEC Nashville
Mr. Chris Lamb, TDEC Kingsport

ENCLOSURE A

INFORMATION REQUEST

Instructions:

1. Identify the person(s) responding to these Information Requests on behalf of Respondent.
2. A separate response must be made to each of the Information Requests set forth herein.
3. Precede each answer with the number of the Information Request to which it corresponds.
4. In answering each Information Request question, identify all documents and persons consulted, examined, or referred to in the preparation of each response and provide true and accurate copies of all such documents.
5. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth; you must notify the EPA thereof as soon as possible.
6. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
7. Where specific information has not been memorialized in a document, but is nonetheless responsive to the Request, you must respond to the question with a written response.
8. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
9. If you have reason to believe that there may be persons able to provide a detailed or complete response to any Information Request question or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
10. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 3007(b) of RCRA, 42 U.S.C. Section 6927(b), Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Sections 9604(e)(7)(E) and (F), and 40 C.F.R. Section 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, or proprietary, or company confidential. Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in statutes and regulation set forth above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

ENCLOSURE B

INFORMATION REQUEST

Definitions:

The following definitions shall apply to the following words as they appear in this Enclosure.

1. The terms AND and OR shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside their scope.
2. The term DISPOSAL shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including groundwater.
3. The term DOCUMENT and DOCUMENTS shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, inter-office or intra-office communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc or disc pack, tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use punch card, disc, disc pack, tape or the type of memory) including; (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure, notation, annotation, or the like of it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
4. The term FACILITY shall mean Holston Army Ammunition Plant located at 4509 West Stone Drive, Kingsport, Tennessee.
5. The term GENERATION shall mean any act or process which produces hazardous waste as identified or listed in 40 C.F.R. Part 261 or an act which first causes a hazardous waste to become subject to regulation.
6. The term HAZARDOUS SUBSTANCE means: (a) any substance designated pursuant to Section 311(b)(2)(A) of the Federal Water Pollution Control Act; (b) any element, compound, mixture, solution, or substance designated pursuant to Section 102 of CERCLA; (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of RCRA (but not including any waste the regulation of which under RCRA has been suspended by Act of Congress); (d) any toxic pollutant listed under Section 307(a) of the Federal Water Pollution Control Act; (e) any hazardous air pollutant listed under Section 112 of the Clean Air Act; and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator of the EPA has taken action pursuant to Section 7 of the Toxic Substances Control Act. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise

ENCLOSURE B

specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). HAZARDOUS SUBSTANCE shall include any mixtures of such hazardous substances with any other substances including petroleum products.

7. The term HAZARDOUS WASTE means a hazardous waste as defined in 40 C.F.R. § 261.3.
8. The term IDENTIFY means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
9. The term IDENTIFY means, with respect to a corporation, partnership, business trust or other associate of a business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
10. The term IDENTIFY means, with respect to a document, to provide its customary business description, date, number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
11. The term PERSON includes, in the plural as well as the singular, any natural person, firm, unincorporated associate partnership, corporation, trust or other entity.
12. The term POLLUTANT or CONTAMINANT shall include, but not be limited to, any element, substance, compound or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including a malfunction in reproduction) or physical deformation in such organisms or their offspring; except that the term POLLUTANT or CONTAMINANT shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of Definition 5 above, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas). POLLUTANT or CONTAMINANT shall include any mixtures of such pollutant and contaminants with other substances, including petroleum products.
13. The term RELEASE shall include any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
14. The term TRANSACTION or ARRANGEMENT shall mean every separate agreement, act, deal, instance or occurrence.
15. The term YOU or RESPONDENT shall mean the addressee of this Information Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.

ENCLOSURE C
INFORMATION REQUEST

Regulatory Summary

The EPA Region 4 is requesting information from Holston Army Ammunition Plant located at 4509 West Stone Drive, Kingsport, Tennessee, to determine the facility's compliance status with the hazardous waste determination and recordkeeping procedures.

Potentially Explosive-Contaminated Materials

The EPA Region 4 is requesting information from Holston on all hazardous waste determination(s) conducted on Potentially Explosive-Contaminated Materials (PECM) open burned in the facility's onsite burn piles and cages.

1. Please identify and submit a list of all PECM that have been burned in the facility's onsite burn piles and cages for the past five years.
2. From the list of PECM identified in number 1, please describe the point of generation, the process operation, and provide a detailed description of how each PECM is generated.
3. For each PECM identified in number 1, please provide a detailed description identifying 100 percent of its material composition and the percentage of each material component.
4. For each PECM identified in number 1, please provide a detailed description identifying 100 percent of its chemical composition and the percentage of each chemical component.
5. For each PECM identified in number 1, please provide all records of waste determination(s) conducted by the facility by using one or a combination of the following:
 - a. Process knowledge (e.g., information about chemical feedstocks and other inputs to the production process); knowledge of products, by-products, and intermediates produced by the manufacturing process; chemical or physical characterization of wastes; information on the chemical and physical properties of the chemicals used or produced by the process or otherwise contained in the waste; testing that illustrates the properties of the waste; or other reliable and relevant information about the properties of the waste or its constituents.
 - b. If testing was completed, please state how you obtained a representative sample of the waste for the testing and what test method was used to obtain the results of the regulatory test.
6. For each PECM identified in number 1, please provide records that support the waste determination(s) in number 5 above for any of the listing descriptions under subpart D of 40 C.F.R. part 261.
7. For each PECM identified in number 1, please provide records that support the waste determination(s) in number 5 above for the characteristic of reactivity for each of the following properties:
 - a. It is normally unstable and readily undergoes violent change without detonating.
 - b. It reacts violently with water.
 - c. It forms potentially explosive mixtures with water.

ENCLOSURE C

- d. When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.
 - e. It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.
 - f. It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.
 - g. It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure.
 - h. It is a forbidden explosive as defined in 49 C.F.R. § 173.54, or is a Division 1.1, 1.2 or 1.3 explosive as defined in 49 C.F.R. § 173.50 and 49 C.F.R. § 173.53.
8. For the burn residue and/or ash generated after each burn conducted in the burn piles and cages, please provide the waste determination records required by 40 C.F.R. § 268.7 and 40 C.F.R. § 268.9.
9. For the explosive-contaminated material burned in the RCRA permitted Subpart X unit, please provide a detailed description identifying 100 percent of its chemical composition and the percentage of each chemical component.

Used Oil and Waste Oil

The EPA Region 4 is requesting information from Holston Army Ammunition Plant located at 4509 West Stone Drive, Kingsport, Tennessee, to determine the facility's compliance status with the used oil requirements 40 C.F.R. § 279.

10. Please identify and submit a list of all process operations where used oil and waste oil are generated.
11. For items identified as waste oil, please state why the oil is identified as "waste oil" instead of "used oil" as defined in 40 C.F.R. § 279.1. Please provide supporting documentation.
12. For each used oil and waste oil identified in number 10, explain how the used oil and waste oil is managed once it is generated.
13. For each used oil and waste oil identified in number 10, identify the final disposition of the used oil and waste oil. Please provide supporting records for off-site shipments.
14. For each used oil and waste oil identified in number 10 that is "thermally decontaminated" by being burned on or in the burn pile and cages, please provide the records required by 40 C.F.R. § 279.72(a) and 40 C.F.R. § 279.72(b), showing analysis of the oil.

TDEC Case 03-HCA003

The EPA Region 4 is requesting information from Holston Army Ammunition Plant located at 4509 West Stone Drive, Kingsport, Tennessee, regarding TDEC Case 03-HCA003.

15. Please provide five years of groundwater and surface water sampling results and related reports for locations MW104 – MW107 generated in accordance with TDEC Case 03-HCA003.

